

Doc, ID 53253.1
ENKEL 8347

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	:	
Mats LEIJON	:	EXAMINER: G. Perez
SERIAL NO.: 09/554,907	:	ART UNIT: 2834
FILED: May 22, 2000	:	ATTY. DOCKET NO.: 66291-168-2

FOR: ELECTROMAGNETIC DEVICE

* * * * *

**PETITION FOR SUSPENSION OF ACTION UNDER 37 C.F.R. ' 1.103(a) AND
REQUEST FOR A SECOND SUSPENSION OF ACTION UNDER 37 C.F.R.
' 1.103(a), PURSUANT TO MPEP 1002.02(c)9**

Washington, D.C.
May 29, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is respectfully requested that prosecution in the above-identified patent application be suspended for a period of six months under 37 C.F.R. ' 1.103(a). Applicant also requests a second suspension of time for an additional six months, pursuant to MPEP ' 1002.02(c)9, for a total of twelve months, beginning with the filing of the subject Petition.

As explained in MPEP ' 709A, a petition for suspension of action under 37 C.F.R.

' 1.103 must:

- (1) be presented as a separate paper;
- (2) be accompanied by the petition fee set forth in 37 C.F.R. ' 1.17(h);

- (3) request a specific and reasonable period of suspension not greater than six months; and
- (4) present good and sufficient reasons why suspension is necessary.

The present Petition complies with the above-identified requirements as it is (a) presented in a separate paper, (b) is accompanied by the petition fee, (c) requests a specific and reasonable period of suspension, initially six months, followed by a concurrent request for a second suspension of action for an additional six months, and (d) presents good and sufficient reasons why this suspension is necessary, as described below.

The subject patent application is one of more than 100 related U.S. patent applications, all of which contain related subject matter. These applications have been handled as a group within TC 2800 and have been handled according to special procedures as described in Paper No. 11 of U.S. Patent Application Serial No. 09/147,325, which is the Office of the Deputy Assistant Commissioner for Patent Policy and Projects, A Response to Petition Under 37 C.F.R. 1.82 Seeking Special Treatment Relating to an Electronic Search Tool, and Decision on Petition Under 37 C.F.R. ' 1.183 Seeking Waiver of Requirements Under 37 C.F.R. ' 1.98.@ The basis of the special procedures is that all of the applications contain related subject matter.

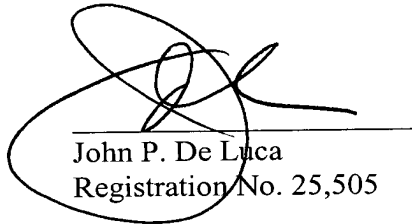
During prosecution, a large majority of the applications, including the subject application, have been rejected based on common arguments. Rather than appeal all of the rejected cases to challenge these rejections, Applicant, after consulting with Director of TC 2800, Mr. Richard Seidel, and Supervisory Primary Examiner, Elvin Enad, are proceeding to appeal on the rejections in two of the applications, namely U.S. Patent Application Serial Nos. 08/873,019 and 08/973,210. The issues being presented on appeal in these two cases are relevant to the present application. Because it is unlikely that the claims in the present application will be allowed until the issues on appeal are resolved, Applicant respectfully requests suspension of action by the Office in the subject application. Since the decision by the Board of Patent Appeals and Interferences will influence so many cases, a speedy decision is expected within the next 12 months. The request for the second suspension is made herewith because it is unlikely that the decision will be made within the next six months. Thus, it is respectfully submitted that there are good and sufficient reasons why the suspension of action is necessary in this case.

There are no outstanding Office Actions in the present application at this time because either (1) the application has not yet been examined, or (2) a response to a last Office Action has been filed or is being filed concurrently with this Petition. If a response to the last Office Action has been filed, Petitioner warrants to the U.S. Patent and Trademark Office that the response is a complete response that addresses all rejections and objections in the last Office Action and the Petitioner has no intention to modify or supplement the response unless required to do so in response to one or more provisions of any Board or Court opinion(s) in Application Serial No. 08/873,019.

It is respectfully submitted that the present Petition meets the requirements of 37 C.F.R. 1.103(a). Accordingly, Applicant respectfully requests that the Petition to suspend action for six months be granted, and Applicant's Request for a second six month suspension of action also be granted.

The Commissioner is authorized to charge Deposit Account No. 04-2223 in the amount of \$130.00. If additional fees are required which are not otherwise provided for, the undersigned authorizes the Commissioner to deduct such additional fees from Deposit Account No. 04-2223.

Respectfully submitted,



John P. De Luca
Registration No. 25,505

DYKEMA GOSSETT PLLC
1300 I Street N.W.
Suite 300 W
Washington, D.C. 20005
(202) 906-8600

ENKEL PROJECT APPLICATION

Special Procedures Apply

A petition decision has been **granted** providing waiver of requirements under 37 CFR 1.98 related to the filing of paper copies in each case. The Decision mailed 12/1/99 and this memo set forth examining guidelines to be followed during the examination process. In summary:

- ✓ The applicant will not be required to file a paper copy of each IDS reference citation in each case. Instead, the applicant will file three sets of copies of each IDS reference citation in the holding case. The first set will remain with the holding case (Serial No. 09/147,325). The second set will be used to populate Digests 13-33 in Class 174 and the third set will be kept as a master set in the EIC (Electronic Information Center). All other Enkel cases will have a copy of the petition decision and the IDS papers without the reference copies. There are almost 700 references in the IDS.
- ✓ Since Digests 13-33 contain all the references contained in the IDS, searching the Digests will be a pertinent field of search as defined in MPEP sec. 904.01(d).
- ✓ Paper copies taken from the search room must be returned **promptly**.
- ✓ Any new references discovered by an examiner and considered pertinent or cited by applicant will be classified in the Digests by classifier John Hanley after approval by a Primary Examiner or SPE.
- ✓ Class 174 Digests 13-33 (paper version) will be located in room **CP4-11C06**. **This room will also serve as central files for the Enkel cases.** The Digests are expected to be available for automated searching on EAST and WEST in early January.
- ✓ Restriction requirements are discouraged. If one is considered necessary, permission must be obtained from a panel consisting of SPE's Mike Gellner and Nestor Ramirez. This will help assure consistency among the examiners and help us maintain control over classification and assignment of cases.
- ✓ Care should be taken that double patenting rejections are consistent among the relevant cases. In order to provide consistency these rejections must also be cleared by the same panel.
- ✓ To help maintain consistency, all appeal conferences should include Mike Gellner.
- ✓ There will also be an allowance review panel to review all applications before they are passed to issue. This will help maintain consistency in standards of patentability and classification. All patent applications involved in this project will be tagged on PALM. The electronic tag will prevent a Notice of Allowance (NOA) from being mailed before the case is cleared by the panel consisting of SPE's Mike Gellner and Nestor Ramirez. If there is an attempt to mail a NOA in one of these cases, an error message "Send to Special Programs" will be returned. Allowance of any applications should be cleared by the panel before being counted. Although most of the cases are at the beginning stages of prosecution, if you encounter a situation where one of these cases is going to be allowed, please contact Nestor Ramirez or Mike Gellner.
- ✓ You can contact Mike Gellner at 308-1721 and Nestor Ramirez at 308-1371.

DISPATCHING this application to Central Files **28C3**, use this barcode



1034

+



28C3

+

SCAN